

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

0.892 ACRES OF LAND, MORE OR
LESS, SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS; AND LAS MILPAS,
L.L.C.,

Defendants.

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CASE NO. 7:20-CV-248

JOINT STATUS REPORT

COMES NOW, Plaintiff, the United States of America and Defendant, Las Milpas, LLC, and file this joint status report in accordance to update the Court on the status of this case.

PROCEDURAL HISTORY

1. This is a condemnation case involving land in Hidalgo County, Texas, over which the United States filed an unopposed motion for possession on October 29, 2020. On November 3, 2020, this Court granted the United States possession of the Subject Property as part of the border fence/infrastructure project.
2. On August 31, 2020, the United States filed the Notice¹, Complaint² and Declaration of Taking³ for the condemnation of a fee simple interest in real property identified as Tract RGV-WSL-1003.
3. The Declaration of Taking acquired 0.892 acres of fee and identified Las Milpas, LLC,

¹ Dkt No. 3.

² Dkt No. 1.

³ Dkt No. 2.

Texas National Bank and Pablo “Paul” Villareal, Jr., as potentially interested parties.

4. On August 31, 2020, the Court set an initial pretrial conference for November 4, 2020⁴.
5. On September 10, 2020, the United States deposited \$28,158.00 into the Court’s Registry as estimated just compensation for Tract RGV-WSL-1003⁵. Additionally, On September 8, 2020, the United States filed its Clerk’s Receipt with the Court.⁶ As a result of this filing, the United States obtained title in fee to the Subject Property. Upon deposit of said amount, title to the interest and estate as more fully described in the Complaint and to the extent set forth in the Declaration of Taking, vested in the name of the United States of America by operation of law as to Tract RGV-WSL-1003.
6. On October 8, 2020, the United States obtained and filed a waiver of service from Hidalgo County by and through its agent Pablo “Paul” Villareal, Jr., RTA, Tax Assessor/Collector.⁷
7. On October 23, 2020, the United States filed a Joint Discovery/Case Management Plan with the Court.⁸
8. On October 26, 2020, the United States filed a notice of disclaimer by Texas National Bank.⁹ On November 3, 2020, this Court dismissed Texas National Bank from the instant case.¹⁰
9. On October 29, 2020, the United States filed an Unopposed Motion for Possession with Proposed Order¹¹. On November 3, 2020, this court granted said motion.¹²

⁴ Dkt No. 4

⁵ Dkt No. 5.

⁶ *Id.*

⁷ Dkt No. 9

⁸ Dkt No. 11.

⁹ Dkt. 12

¹⁰ Dkt. 15

¹¹ Dkt No. 13.

¹² Dkt.No. 14

10. On January 26, 2021, the parties filed a Joint Motion to Extend Time¹³. This Court granted said motion on January 27, 2021.¹⁴
11. On June 3, 2021, the Defendant filed its Unopposed Motion to Stay the Condemnation Proceedings¹⁵. This Court granted said motion on June 7, 2021, but ordered the case remain set for a Motions Hearing on September 17, 2021.¹⁶
12. On September 17, 2021 at 9:30 am, the parties are scheduled to appear before this Court for a Motions Hearing.

STATUS UPDATE

13. Revestment is not an option for the Subject Property as the United States already commenced construction on said property.
14. The current posture and status of this case necessitates a new scheduling order for the parties to comply with and is what both parties anticipate discussing before the court at the September 17, 2021 hearing.
15. The parties continue to discuss settlement, however, at this time it is not a possibility as the parties have not been able to agree on just compensation.

Respectfully submitted,

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¹³ Dkt No. 18.

¹⁴ Dkt. No. 19

¹⁵ Dkt No. 21.

¹⁶ Dkt No. 22

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CERTIFICATE OF SERVICE

I certify that on September 14, 2021, a copy of the foregoing was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record. I further certify that I spoke to the county tax assessor collector and he has no opposition to this joint status report.

By: *s/ Alexander N. Dergarabedian*
ALEXANDER N. DERGARABEDIAN
Assistant United States Attorney